IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

LETTERS PATENT APPEAL NO. 110 OF 1999

Hanumanta S. Nandepalli ... Appellant

Vs.

B.M.C. and Ors. ... Respondents

None present for Appellant and Respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 12, 2004
P.C. :

1. None present for the parties when the matter is called out.

2. An Election Petition was preferred by one Marajappa Yallappa Shinde who had secured second highest votes. The elected candidate belong to the Congress party. The contention of the Election Petitioner was that the elected candidate Hanumanta Sayappa Nandepalli was migrant from Karnataka State to Maharashtra State. Though his caste was also notified as the scheduled caste in the State of Maharashtra, he was not eligible to contest. This plea was accepted by the learned trial Judge and the Election Petition was allowed. The Petition

came to be filed against the said order which came to be rejected by order dated 6th May, 1999 against which the L.P.A. preferred and interim order was passed on 18.6.1999.

3. Prima facie the migrant from the another State would not be entitled to the benefits meant for the scheduled caste of the State to which he is migrated. Such migrant is entitled to benefit in the state of his origin. With the above observations, L.P.A. disposed of. All interim orders stand vacated.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)